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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 *****

11 PAMELA DITTMAR,

12 Plaintiff,

13 v.

14 CITY OF NORTH LAS VEGAS, a municipal
15 corporation,

16 Defendant.

17 Case No. 2:17-cv-02916-JAD-BNW

18 **STIPULATION TO EXTEND
THE PARTIES' REPLY
DEADLINES FOR ONE DAY**

19 **(Eighth Request)**

20 [ECF No. 109]

21 NOW COMES the Plaintiff, Pamela Dittmar, by and through her attorneys, Melanie A.
22 Hill and Melanie Hill Law PLLC, and Defendant, City of North Las Vegas, by and through its
23 attorneys, R. Todd Creer, Kaitlin H. Paxton, and Kamer Zucker Abbott, who hereby stipulate that
24 the deadline for Plaintiff to file her response to the currently pending dispositive motion be extended
25 from the current deadline of July 20, 2021 up to and including August 2, 2021.

26 This is the eighth request for an extension of the dispositive motion deadline. The first request
27 was by stipulation to extend the dispositive motion deadline thirty (30) days from the extended
discovery cutoff deadline to complete the remaining two depositions. The second request was by
motion due to Plaintiff's counsel's ongoing illness with Covid-19 symptoms. The third request was
by stipulation due to Plaintiff's counsel's immediate family member's emergency hospitalization for

1 nearly one week. The fourth request was by stipulation due to Plaintiff's counsel's significant
2 injuries from two separate accidents. The fifth request was by stipulation due to Plaintiff's counsel's
3 significant injuries from two separate accidents to allow her to have additional diagnostic tests, pain
4 management, and give her additional time from her original estimate on a requested extension to
5 treat and heal. The sixth request was made by stipulation to allow Plaintiff's counsel additional time
6 to obtain assistance with the formatting and preparation of the response exhibits and citations to the
7 same in the response because her paralegal had a medical procedure last Friday and could not assist
8 counsel due to a medical procedure. This seventh request was by stipulation due to an acute gastro
9 illness that Plaintiff's counsel was suffering from. This eighth request to extend the reply deadlines
10 is due to Plaintiff's counsel's continued injuries that have gotten worse and now require Plaintiff's
11 counsel to get a wrist injection and two nerve blocks and two nerve ablations. The wrist injection
12 and numerous doctors' appointments and physical therapy visits occurred last week and the nerve
13 procedures are scheduled to occur next week on July 27 and 29 preventing counsel from working
14 those days due to the medication and cause her difficulty working this week due to the increased
15 pain. This request is also made due to Plaintiff's counsel's prescheduled vacation for the Fourth of
16 July holiday and the following week and a half that coincided with the current reply deadline. Given
17 the dispositive nature of this motion, counsel requested, and the parties stipulated, to this additional
18 extension due to Plaintiff's counsel's injuries and pain so that Ms. Dittmar is not prejudiced in her
19 case due to counsel's injuries from a fall and rear end car accident in April.

20 As soon as it became apparent to counsel for Plaintiff that additional time was necessary to
21 finalize the reply, counsel sent an email to counsel for Defendant on July 14, 2021 requesting this
22 additional extension. After requesting the extension, the above-mentioned nerve block and ablations
23 procedures were recommended and scheduled and Counsel for Defendant agreed to stipulate to the
24 requested extension until after these procedures.

25 In support of this Stipulation and Order, the parties state as follows:

26 1. The current deadline to file replies to the currently pending dispositive motions is
27 July 20, 2021. When the parties first entered into a stipulation to extend the dispositive motion
28 deadline, it was to extend the dispositive motion deadline to thirty (30) days from the extended

discovery cutoff deadline to complete the remaining two depositions. When the parties next entered into a stipulation to extend the dispositive motion deadline, it was to extend the dispositive motion deadline thirty (30) days due to Plaintiff's counsel's ongoing illness with Covid-19 symptoms. The parties then entered into a stipulation for an additional seven (7) days due to Plaintiff's counsel's family member's health emergency. The parties then stipulated to extend the dispositive motion deadline due to Plaintiff's counsel's significant injuries from two separate accidents to allow Plaintiff's counsel to have additional diagnostic tests, pain management, and additional time from her original estimate on a requested extension to treat and heal. Last Friday, the parties again stipulated to an extension to allow Plaintiff's counsel addition time to prepare seek assistance in preparing her exhibits that she needs to cite to in the response and declarations. Due to Plaintiff's counsel's continued pain from two separate accidents, she is also not able to sit and work for long periods of time and the exhibit formatting and preparation, in addition to the response preparation is very time consuming and her pain has increased due to time spent sitting and working and standing and working at her standing desk for lengthy periods of time. As a result of needing to take lengthy breaks to reduce the pain, counsel for Plaintiff sought additional time and assistance to complete the response and exhibits necessitating the final two stipulations to extend the response and reply deadlines.

2. Counsel for Plaintiff reached out to counsel for Defendant on July 14, 2021 to inform counsel that she needs additional time to file her reply and then asked for additional time after her wrist injection occurred and her nerve block, and nerve ablations were recommended and scheduled. Plaintiff's counsel further informed counsel for Defendant that she had a wrist injection and numerous doctors' appointments, including physical therapy visits, last week necessitating this extension request. Additionally, and the nerve procedures are scheduled to occur next week on July 27 and 29 preventing counsel from working those days due to the medication and cause her difficulty working this week due to the increased pain she is suffering from necessitating the nerve procedures. This request is also made due to Plaintiff's counsel's prescheduled vacation for the Fourth of July holiday and the following week and a half that coincided with the current reply deadline. Given the dispositive nature of this motion, counsel requested, and the parties stipulated,

1 to this additional extension due to Plaintiff's counsel's injuries and pain so that Ms. Dittmar is not
 2 prejudiced in her case due to counsel's injuries from a fall and rear end car accident in April.
 3 Additionally, due to Plaintiff's continued pain from two separate accidents, she is also not able to sit
 4 and work for long periods of time.

5 3. Through this Stipulation, and to avoid prejudice to Defendant in preparing and filing
 6 its briefs on the same day, this stipulation extends the deadline for both parties to file their replies.
 7 The new reply deadline the parties have stipulated to is August 2, 2021.

8 4. Through this Stipulation, the parties request that the Court extend the deadline to file
 9 Plaintiff's reply in support of their motion for partial summary judgement and Defendant's reply in
 10 support of their motion for summary judgment until August 2, 2021. No other deadlines are being
 11 extended by this motion, such as the deadline for discovery and to file a motion to compel written
 12 discovery.

13 5. Courts in the District of Nevada have routinely held extensions of deadlines for
 14 illness and the "practicalities of life" establish good cause for the requested extension. In *Morales v.*
 15 *McDaniel*, District of Nevada Magistrate Judge Baldwin found good cause to grant an extension and
 16 held as follows:

17 "The proper procedure, when additional time for any purpose is needed, is to present to
 18 the Court a timely request for an extension before the time fixed has expired (*i.e.*, a
 19 request presented before the time then fixed for the purpose in question has expired)." *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup*
 20 Court explained that "the practicalities of life" (such as an attorney's "conflicting
 21 professional engagements" or personal commitments such as vacations, family
 22 activities, illnesses, or death) often necessitate an enlargement of time to comply with a
 court deadline. *Id.* Extensions of time "usually are granted upon a showing of good
 cause, if timely made." *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D. Ohio 1947). The
 good cause standard considers a party's diligence in seeking the continuance or
 extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

23 2019 U.S. Dist. LEXIS 173103 (D. Nev. Oct. 3, 2019).

24 6. This Stipulation to extend Plaintiff's dispositive motion response deadline is
 25 brought in good faith, with a showing of good cause, and is not sought for any improper
 26 purpose or other purpose of delay, but to allow counsel for the Plaintiff additional time to finalize
 27 and file her reply due to her pain from her injuries. This extension will allow counsel for Plaintiff
 28 the additional time necessary to do so in light of her medical issues, pain, and upcoming medical

1 procedures.

2 7. In accordance with LR 26-3, a stipulation to extend any date set by the discovery
3 plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1,
4 be supported by a showing of good cause for the extension. Local R. 26-3. Plaintiff submits that
5 good cause exists under the totality of the circumstances provided herein due to her medical issues,
6 ongoing pain, and upcoming medical procedures until August 2, 2021.

7 WHEREFORE, the parties respectfully request by this Stipulation that the Court extend
8 the deadline for the parties to file their replies to the pending dispositive motion from the current
9 deadline of July 20, 2021 up to and including August 2, 2021.

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11 DATED this 19th day of July, 2021.

12 MELANIE HILL LAW PLLC

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31 *Las Vegas*

32 IT IS SO ORDERED:

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34 _____
35 JENNIFER A. DORSEY
36 UNITED STATES DISTRICT JUDGE

37 Dated: July 21, 2021